

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OMAR MALCOLM, KARVEN ALCINDOR,
ANTHONY APONTE, SHIRLENE BLAIR, DERYCK
CHARLES, LATIF CORNELIUS, LANAE CURRY,
JOSE DEJESUS, SHAKIYNA ESPINO, ROBERTO
FERNANDEZ, VLAJEMY FRANCOIS, CRYSTAL
GARNETT, CHANTEL GOUVEIA, APRIL HERNEY-
KOSAKOWSKI, TAMELLE HILLIARD, YOLANDA
HOLMES, MONIQUE JOHNSON, KEYSHA LEWIS,
CAROLYN MARAJ, HUZIRAN MOZEB, ZHIHUI PU,
DAVID RUDDOCK, MYRLINE ULYSSES, and BRICE
WILLIAMS, individually and on behalf of all others
similarly situated,

Plaintiffs,

- against -

THE CITY OF NEW YORK,

Defendant.
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Case No. 20-CV-09641(ALC)

Hon. Andrew L. Carter, Jr.

Oral argument requested

**PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION AND NOTICE TO
PUTATIVE PLAINTIFFS PURSUANT TO 29 U.S.C. § 216(b)**

Plaintiffs, through their undersigned counsel, hereby submit this Motion for Conditional Certification and Notice to Putative Plaintiffs pursuant to 29 U.S.C. § 216(b). In support of this motion, Plaintiffs submit the attached memorandum of law, declaration of Paul A. Pagano ("Pagano Dec."), declaration of Omar Malcolm with exhibits, declaration of Carolyn Maraj, declaration of Jose DeJesus, declaration of Lanae Curry, declaration of Vlajemy Francois, proposed notice, proposed consent form, and a proposed order.

For the reasons set forth in Plaintiffs' memorandum of law and based on the declarations and exhibits submitted in support hereof, Plaintiffs respectfully request that the Court issue an order:

- (1) Conditionally certifying this action as a representative collective action pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216, on behalf of all Assistant Deputy Wardens, Captains, and Correction Officers employed by the City of New York (“NYC”)/Department of Corrections (“DOC”) at Rikers Island at any time within the three year period immediately preceding the filing of the initial complaint in this action and up to the time certification is granted (“relevant time period”);
- (2) Requiring that NYC/DOC produce a computer readable data file containing the following for each potentially similarly situated employee during the relevant time period: name, last known mailing addresses, telephone number, private/work email address(es), work location(s), dates of employment, job title(s) held and date(s) on which each title was held during the relevant time period within ten (10) business days of this Court’s order;
- (3) Approving the proposed FLSA notice of this action and the consent form annexed to the Pagano Dec. as Exhibit 1;
- (4) Directing Plaintiffs’ counsel to send via first class mail and private email address said notice and consent form to each collective member within ten (10) business days of receipt of the data in (2) from NYC/DOC’s counsel;
- (5) Directing NYC/DOC to send via work email address the notice and consent form to the collective members within ten (10) business days after NYC/DOC’s provision of the data in (2);
- (6) Directing NYC/DOC to file an affidavit of compliance with the email requirement in (5) within ten (10) days of its compliance with same; and
- (7) Setting a period of sixty (60) days following the tenth day after NYC/DOC provides the data in (2) for the collective members to mail or email completed consent forms to Plaintiffs’ Counsel.
- (8) Granting such other, further, or different relief as the Court deems just and proper.

Dated: Huntington, New York
August 23, 2021

Respectfully submitted,
Moser Law Firm, P.C.

Paul Pagano

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